



1 530 Las Vegas Boulevard South
2 Las Vegas, NV 89101
3 Facsimile (702) 385-3373
4 Telephone (702) 385-5024

Electronically filed on 9/14/07

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
Anne M. Lora ditch, NV State Bar No. 008164
Email: aloraditch@lrlaw.com

5 Attorneys for USACM Liquidating Trust

6 ORRICK, HERRINGTON & SUTCLIFFE LLP
7 MARC A. LEVINSON (CA 57613, pro hac vice)
8 JEFFERY D. HERMANN (CA 90445, pro hac vice)
9 400 Capitol Mall
10 Sacramento, California 95814
11 Telephone: (916) 447-9200
12 Facsimile: (916) 329-4900
13 Email: malevinson@orrick.com
14 jhermann@orrick.com

SNELL & WILMER, LLP
ROBERT R. KINAS (NV 006019)
CLAIRE DOSSIER (NV 010030)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rkinas@swlaw.com
cdossier@swlaw.com

11 Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

14 In re:

15 USA COMMERCIAL MORTGAGE
16 COMPANY,
17 USA CAPITAL REALTY ADVISORS, LLC,
18 USA CAPITAL DIVERSIFIED TRUST DEED
19 FUND, LLC,
20 USA CAPITAL FIRST TRUST DEED FUND,
21 LLC,
22 USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

NOTICE OF HEARING; OBJECTION OF USACM TRUST TO ELIAS FAMILY TRUST DTD 5/19/04 CLAIM FILED IN WRONG DEBTOR'S CASE; OBJECTION OF DTDF TO PROPOSED ALLOWANCE OF CLAIM

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

NOTICE OF OBJECTION TO CLAIM

**THE USACM LIQUIDATING TRUST AND USA CAPITAL DIVERSIFIED
TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU
FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT,
THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 5, 2007.
PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO
DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE
AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE
DIRECTED TO THE UNDERSIGNED COUNSEL.**

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is based upon an equity interest in USA Capital Diversified Trust Deed Fund, LLC (“DTDF”) Case No. 06-10727. DTDF, by and through its counsel, further objects to any proposed allowance of your claim against the DTDF estate because your equity interest in DTDF has already been deemed allowed. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and DTDF. If the Court grants the requested relief, it will not affect your existing equity interest in the DTDF estate to the extent you hold an equity interest in DTDF.

NOTICE IS FURTHER GIVEN that, unless the hearing date is advanced by the Court, the hearing on the Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on **OCTOBER 15, 2007** at the hour of **9:30 a.m.** THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO



1 **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**
2 **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE**
3 **RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS**
4 **FILED AGAINST USACM AND THE DTDF.**

5 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by
6 the Court, any response to the Objection must be filed by October 5, 2007 pursuant to
7 Local Rule 3007(b), which states:

8 If an objection to a claim is opposed, a written response must be filed and
9 served on the objecting party at least 5 business days before the scheduled
10 hearing. A response is deemed sufficient if it states that written
documentation in support of the proof of claim has already been provided to
the objecting party and that the documentation will be provided at any
11 evidentiary hearing or trial on the matter.

12 If you object to the relief requested, you *must* file a **WRITTEN** response to
13 this pleading with the Court. You *must* also serve your written response on
the person who sent you this notice.

14 If you do not file a written response with the Court, or if you do not serve
15 your written response on the person who sent you this notice, then:

- 16 • The Court may *refuse to allow you to speak* at the scheduled hearing;
and
- 17 • The Court may *rule against you* without formally calling the matter at
the hearing.



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2 Dated: September 14, 2007.
3

4 **SNELL & WILMER, LLP**

5 By /s/ Robert R. Kinias

6 Robert R. Kinias

7 Claire Dossier

8 3883 Howard Hughes Parkway, Suite 1100

9 Las Vegas, NV 89169

10 Telephone (702) 784-5200

11 Facsimile (702) 784-5252

12 and

13 **ORRICK, HERRINGTON &
14 SUTCLIFFE LLP**

15 Marc A. Levinson

16 Jeffery D. Hermann

17 400 Capitol Mall, Suite 3000

18 Sacramento, CA 95814-4497

19 *Attorneys for Post-Effective Date USA*

20 *Capital Diversified Trust Deed Fund, LLC*

21 **LEWIS AND ROCA LLP**

22 By: /s/ Anne M. Loraditch (008164)

23 Susan M. Freeman

24 Rob Charles

25 Anne M. Loraditch

26 530 Las Vegas Boulevard South

27 Las Vegas, NV 89101

28 Telephone: (702) 385-3373

29 Facsimile: (702) 385-5024

30 *Attorneys for USACM Liquidating Trust*

31 Copy of the foregoing

32 Mailed this 14th day of

33 September, 2007 to:

34 Elias Family Trust Dtd 5/19/04

35 c/o Donna M. Elias Successor Trustee

36 9900 Wilbur May Parkway, Apt. 502

37 Reno, NV 89521-4014

38 By /s/ Patricia M. Kois

39 Patricia M. Kois, Lewis and Roca LLP